UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,561	03/25/2004	Kenichi Ide	6639P018	7935

8791   7590   07/30/2007
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
LEE, CHUN KUAN

ART UNIT	PAPER NUMBER
2181	

MAIL DATE	DELIVERY MODE
07/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Office Action Summary	Application No.	Applicant(s)
		10/809,561	IDE, KENICHI
		Examiner	Art Unit	
		Chun-Kuan (Mike) Lee	2181	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 June 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13,16,17 and 19-21</u> is/are pending in the application.

    4a) Of the above claim(s) <u>21</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-13,16,17,19 and 20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>06/19/2007</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

CONTINUED EXAMINATION UNDER 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/19/2007 has been entered.

RESPONSE TO ARGUMENTS

2.   Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. Furthermore, the examiner believes that the newly amended claim limitations are still disclosed by the references previously presented. Claim objection to claim 8 is withdrawn. Currently, claim 21 is withdrawn and claims 1-13, 16-17 and 19-20 are pending for examination.

I. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

3.   The applicant's oath/declaration has been reviewed by the examiner and is found

to conform to the requirements prescribed in **37 C.F.R. 1.63.**

II. INFORMATION CONCERNING DRAWINGS

Drawings

4.   The applicant's drawings submitted are acceptable for examination purposes.

III. ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT

5.   As required by **M.P.E.P. 609(C)**, the applicant's submissions of the Information

Disclosure Statement dated June 19, 2007 is acknowledged by the examiner and the

cited references have been considered in the examination of the claims now pending.

As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the

examiner is attached to the instant office action.

IV. REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al.

(US Patent 6,170,026).

Kimura teaches a method for detecting a communication device as a connection

object, comprising:

searching for communication devices (Fig. 2, ref. 31, 33) which surrounds a

second communication device (mobile module 11 of Fig. 2) and are able to

communicate the second communication device during either the first period of time or

the second period of time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), wherein the mobile

module (e.g. second communication device) communicate with the peripheral devices

(e.g. communication devices) both during the first period of time (i.e. before removal)

and during the second period of time (i.e. after removal and reconnection) in order to

gather a list of all current devices that are connected during the corresponding first

period of time and second period of time; and

detecting a first communication device (e.g. new device) that was set in a Disable

state (e.g. not connected) and was unable communicate in the first period of time, and

that was set in an Enable state (e.g. connected) and was able to communicate in the

second period of time (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the first

communication device (e.g. new device) was not connected during the first period of

time and was connected during the second period of time, therefore detecting the first

communication device as the newly connected peripheral device;

selecting the first communication device (e.g. new device) as the communication

connection object (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein after the mobile

module (e.g. second communication device) detecting the new device, the new device

must be selected by the mobile module as the communication link is established

between the mobile module and the new device; and

establish a short range wireless link between the second communication device

(e.g. mobile module) and the first communication device (e.g. new device) (Fig. 9A; col.

4, II. 49-54 and col. 5, I. 61 to col. 6, I. 26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-4, 6-9, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kimura et al. (US Patent 6,170,026) in view of Bastiani et al. (US

Patent 6,442,628).

8.   As per claim 1, Kimura teaches a communication device for communicating with

an external device, comprising:

a wireless communication unit (Fig. 2A, ref. 11, 23A and col. 3, II. 40-42);

data transmitted through the wireless communication unit (col. 5, I. 37 to col. 6, I.

12), wherein data comprising the list of devices is transferred;

means for detecting one of the external devices (Fig. 2, ref. 31, 33) as a

connection object (e.g. new device) if the one of the external devices failed to provide a

response during a first period of time (e.g. before removal from the docking module) and

provide a response during a second period of time (e.g. after reconnection to the

docking module) occurring after the first period of time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), wherein the CPU utilizes the list of devices (e.g. external devices) to determine if the device is a new device, wherein the new device is not present in the list of devices before removal from the docking module (e.g. first period of time) and is present in the list of devices after reconnection to the docking module (e.g. second period of time); and

means for establishing a communication connection with the detected connection object (e.g. new device) (Fig. 9A and col. 5, l. 62 to col. 6, l. 26), wherein the mobile module communicates with the new device (e.g. detected connection object).

Kimura does not teach the communication device comprising:

means for conducting at least two inquires for external devices surrounding the communication device;

means for receiving responses to each inquiry, each response include device information from one or more of the external devices; and

a response to a first inquiry and providing a response including the device information of the one of the external device to a second inquiry occurring after the first inquiry.

Bastiani teaches a system and a method comprising:

means for conducting at least two inquires for external devices (e.g. target devices) surrounding the communication device (e.g. initiator) (Fig. 2, ref. 204, 206, 210, 212);

means for receiving responses to each inquiry(Fig. 2, ref. 206, 212), each

response include device information (e.g. device identifying data) from one or more of

the external devices (e.g. target devices) (Fig. 2); and

a response to a first inquiry (Fig. 2, ref. 206) and providing a response (Fig. 2,

ref. 212) including the device information (e.g. device identifying data) of the one of the

external device to a second inquiry (Fig. 2, ref. 210) occurring after the first inquiry (Fig.

2, ref. 204).

It would have been obvious to one of ordinary skill in this art, at the time of

invention was made to include Bastiani's inquiry and response into Kimura's

communication device for the benefit of implementing automatic detection of the

maximum data throughput rate over a bus (Bastiani, col. 3, ll.35-37) to obtain the

invention as specified in claim 1.

9.   As per claim 19, Kimura and Bastiani teach all the limitations of claim 1 as

discussed above, where both further teach the communication device comprising

wherein the means for conducting at least two inquiries including conducting a first

inquiry (e.g. inquiry before disconnection) and a second inquiry (e.g. inquiry after

reconnection) (Bastiani, Fig. 2, ref. 206), and the detecting means detects the one of the

external devices being an external device that did not provide a response with a first

period of time corresponding to the first inquiry, and did provide a response within a

second period of time corresponding to the second inquiry as the exclusive connection

object (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), as the external device was not

connected during the first period of time before disconnection, therefore did not provide

the response during the first period of time, and was connected during the second

period of time after reconnection, therefore did provide the response during the second

period.

10.   As per claim 2, <u>Kimura</u> and <u>Bastiani</u> teach all the limitations of claim 19 as

discussed above, where <u>Kimura</u> further teaches the communication device for

communicating with the external device, comprising wherein the first period of time is

variable (<u>Kimura</u>, Fig. 9 and col. 5, ll. 49-61), wherein the first period of time would be

depend on the number of peripheral devices that are currently connected, during the

first period of time, as more peripheral devices would require more time and lesser

peripheral devices would require lesser time.

11.   As per claim 3, <u>Kimura</u> and <u>Bastiani</u> teach all the limitations of claim 2 as

discussed above, where <u>Kimura</u> further teaches the communication device for

communicating with the external device, comprising wherein the first period of time is

until a total number of external devices that provided a response does not change within

a given time period (<u>Kimura</u>, Fig. 9 and col. 5, ll. 49-61), wherein the first period of time

is implemented until all peripheral devices configurations are save.

12.   As per claim 4, <u>Kimura</u> and <u>Bastiani</u> teach all the limitations of claim 19 as

discussed above, where <u>Kimura</u> further teaches the communication device for

communicating with the external device, comprising wherein the second period of time

is variable (Kimura, Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the second period

of time would be depend on the number of peripheral devices that are currently

connected, during the second period of time, as more peripheral devices would require

more time and lesser peripheral devices would require lesser time.

13.   As per claim 6, Kimura and Bastiani teach all the limitations of claim 4 as

discussed above, where Kimura further teaches the communication device for

communicating with the external device, comprising wherein the second period of time

is until a total number of external devices providing a response does not change within

a given time period (Kimura, Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the second

period of time is implemented until all peripheral devices are properly configured.

14.   As per claim 7, Kimura and Bastiani teach all the limitations of claim 19 as

discussed above, where both further teaches the communication device for

communicating with the external device, comprising wherein each of the response

includes device information indicating at least one attribute of an external device of the

external devices providing the response (Kimura, col. 5, l. 61 to col. 6, l. 26 and

Bastiani, Fig. 2, ref. 206), wherein the mobile module would implement a comparison in

order to determine if the peripheral device is new or not, and the comparison would

require the response provided by the peripheral devices to include their corresponding

attribute in order distinguish the peripheral devices from one another and determine if

the corresponding peripheral device was previously connected or is newly connected .

15.   As per claim 8, Kimura and Bastiani teach all the limitations of claim 7 as

discussed above, where Kimura further teaches the communication device for

communicating with the external device, comprising further comprising means for

storing attribute information showing the attribute of the external device to be detected

as the connection object should comprise (Kimura, col. 5, ll. 37-61), wherein the

attribute information is stored on the hard drive.

16.   As per claim 9, Kimura and Bastiani teach all the limitations of claim 7 as

discussed above, where Kimura further teaches the communication device for

communicating with the external device, comprising wherein the detecting means

comprises:

        means for extracting device information of the external device from that the

receiving means did not receive the device information for the first period of time, that

the receiving means did receive the device information for the second period of time,

and that coincides with the attribute shown by the attribute information stored in the

storing means (Kimura, Fig. 9-9A and col. 5, l. 37-65), wherein the device information is

extracted from the hard drive for implementing the comparison in order to determine if

the peripheral device is the newly connected peripheral device; and

means for selecting the external device extracted by the extracting means as the

connection object (Kimura, Fig. 9A and col. 5, l. 61 to col. 6, l. 26).

17.   As per claim 17, Kimura teaches a method for establishing a radio connection

between communication devices, comprising the steps of:

setting a first communication device (e.g. new device) in a first condition (e.g. not

connected) in which the first communication device does not respond during a first

period of time (e.g. before mobile module is removed from docking module) (Fig. 9 and

col. 5, l. 37 to col. 6, l. 12), wherein the first communication device does not response

during the first period of time because the first communication device is not connected;

a second communication device (mobile module 11 of Fig. 2) searching so as to

receive a response from a communication device (Fig. 2, ref. 31, 33) surrounding the

second communication device during the first period of time (Fig. 9 and col. 5, ll. 37-61),

wherein the mobile module (e.g. second communication device) search in order to

gather a list of all current devices that are connected;

setting the first communication device (e.g. new device) in a second condition

(e.g. connected) in which the first communication device does respond during a second

period of time (e.g. after mobile module reconnected to docking module) (Fig. 9-9A and

col. 5, l. 37 to col. 6, l. 12), wherein the first communication device responses during the

second period of time because the first communication device is now connected as the

new peripheral device;

the second communication device (mobile module 11 of Fig. 2) searching so as

to receive response from at least a communication device surrounding the second

communication device during the second period of time (Fig. 9-9A and col. 5, l. 37 to

col. 6, l. 12), after the mobile module is reconnected, the mobile module would then

search which of the peripheral devices (e.g. communication device) are currently

connected in order to obtain the list of all current peripheral device that are connected,

such searching would be implemented until all device are configured properly;

detecting one of the communicating devices as the first communicating device

that did not respond during the first period of time and did respond during the second

period of time (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the first communication

device (e.g. new device) is not connected during the first period of time and is

connected during the second period of time, therefore detecting the first communication

device as the newly connected peripheral device; and

establishing communicating connection between the first communication device

(e.g. new device) and the second communication device (e.g. mobile module) (Fig. 9A

and col. 5, l. 61 to col. 6, l. 26), wherein the communication connection is established

with the newly detected peripheral device (i.e. first communication device.

Kimura does not teach the method for establishing the radio connection between

communication devices, comprising:

the first communication device responding to an inquiry; and

outputting a first inquiry and a second inquiry from the second communication

device.

Bastiani teaches a system and a method comprising:

the first communication device (e.g. target device) responding to an inquiry (Fig. 2, ref. 206, 212); and

outputting a first inquiry (Fig. 2, ref. 204) and a second inquiry (Fig. 2, ref. 210) from the second communication device (e.g. initiator).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Bastiani's inquiry and response into Kimura's radio connection method for the benefit of implementing automatic detection of the maximum data throughput rate over a bus (Bastiani, col. 3, ll.35-37) to obtain the invention as specified in claim 17.

18.   As per claim 20, Kimura and Bastiani teaches all the limitations of claim 1 as discussed above, wherein Bastiani further teaches the communication device for communicating with the external device, comprising wherein the means for conducting at least two inquiries comprises a device information acquisition unit (Bastiani, Fig. 2, ref. 204, 206), in order to properly send the inquiries for acquiring of the corresponding device information data, it would be obvious to have corresponding device information acquisition unit.

19.   Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent 6,170,026) in view of Bastiani et al. (US Patent 6,442,628), as

applied to claims 1 and 4 above, and further in view of <u>Jonsson et al.</u> (US Pub.:

2003/0036350).

Kimura and Bastiani teaches all the limitations of claims 1 and 4 as discussed

above, wherein <u>Kimura</u> further teaches the communication device for communicating

with the external device, comprising:

wherein the second time is until the receiving means receives a response from all

external device;

mean for display including a display (<u>Kimura</u>, Fig. 2, ref. 31); and

mean for inputting including a keyboard (<u>Kimura</u>, Fig. 2, ref. 33);

<u>Kimura</u> and <u>Bastiani</u> does not teach the communication device for

communicating with the external device, comprising:

wherein the second period of time is until the receiving means receives the

response from the external device that the receiving means did not receive the

response provided for the first period of time, and

wherein the detecting means comprises:

means for displaying the external devices detected by the detecting means when

the external devices detected are two or more but within a predetermined number; and

means for inputting information indicating one of the external devices selected as

the connection object, wherein the establishing means establishes the communication

connection with the external device indicated by the information from the inputting

means.

<u>Jonsson</u> teaches a system and a method comprising:

receiving two or more devices responding to an inquiry for connection ([0005]);

presenting on a display all the answering devices to a user ([0005]);

the user selecting one of the answering devices to connect to and the connection

would be established between the user and the selected device ([0005]).

It would have been obvious to one of ordinary skill in this art, at the time of

invention was made to include <u>Jonsson</u>'s presenting and selecting of the device into

<u>Kimura</u> and <u>Bastiani</u>'s communication device for the benefit of implementing a well

known method to properly establish the connection to the desired device when a

plurality of devices is detected and available for connection (<u>Jonsson</u>, [0005]) to obtain

the invention as specified in claims 5 and 10. The resulting combination of the

references further teaches the communication device for communicating with the

external device, comprising wherein the detecting means comprises:

wherein the second period of time, which the user attempts to connect to the new

peripheral device and the user would obviously implement the attempt to establish

connection until the response is received from the new peripheral device (i.e. external

device) in order to implement the desired connection;

presenting all the answering devices detected on the display, wherein all the

answering devices includes two or more devices; and

selecting by using the keyboard which one of the answering device to connect to,

and connection is established in accordance the corresponding selected device.

20.   Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kimura et al. (US Patent 6,170,026) in view of Bastiani et al. (US Patent 6,442,628), as

applied to claim 19 above, and further in view of Sekiyama (US Patent 6,427,115).

Kimura and Bastiani teach all the limitations of claim 19 as discussed above.

Kimura and Bastiani does not teach the communication device for

communicating with the external device, comprising:

means for informing that searching in the first period of time is complete, wherein

the informing means comprises a speaker; and

means for inputting instruction which requests the conducting means to search

the external device for the second period of time, wherein the inputting means

comprises an audio input device for input of the instruction.

Sekiyama teaches a system and a method comprising:

informing that searching is complete by utilizing a speaker (Fig. 1, ref. 18) (col. 4,

ll. 9-14 and col. 6, ll. 22-46); and

requesting for implementing an instruction for searching by utilizing a microphone

(Fig. 1, ref. 16) (col. 4, ll. 9-14 and col. 6, ll. 22-46).

It would have been obvious to one of ordinary skill in this art, at the time of

invention was made to include Sekiyama's speaker and microphone into Kimura and

Bastiani's communication device. The resulting combination of the references further

teaches the communication device for communicating with the external device,

comprising:

utilizing the speaker to inform that the conducting during the first period of time is complete; and

utilizing the microphone to input the instruction for searching for the external device during the second period of time.

Therefore, it would have been obvious to combine Sekiyama with Kimura and Bastiani for the benefit of implementing the communication device to operate as a hands-free communication device (Sekiyama, col. 8, ll. 31-37).

V. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the

application as recommended by **M.P.E.P. 707.07(i)**:

a(1) CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, claims 1-13, 16-17 and 19-20 have received a first

action on the merits and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is

(571) 272-0671. The examiner can normally be reached on 8AM to 5PM.
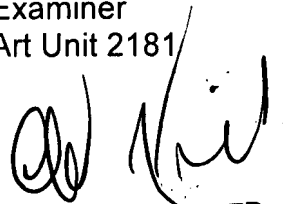
IMPORTANT NOTE

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 18, 2007   Chun-Kuan (Mike) Lee
                                                 Examiner
                                                 Art Unit 2181

                                                 ALFORD KINDRED
                                                 PRIMARY EXAMINER